



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region



Arnold Schwarzenegger  
Governor

Over 50 Years Serving San Diego, Orange, and Riverside Counties

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Item 8 a  
Supporting Document 2

October 21, 2009

Robert Van Ommering  
14950 El Monte Road  
Lakeside, CA 92040

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

7099 3400 0015 9997 1245

In reply refer to:

**CRU: 9 00000196: KSchwall**

Dear Mr. Van Ommering :

**SUBJECT: TENTATIVE ORDER NO. R9-2009-0165; AN ORDER RESCINDING ORDER NO. R9-2004-0065, NPDES NO. CA0109207, WASTE DISCHARGE REQUIREMENTS FOR VAN OMMERING DAIRY, SAN DIEGO COUNTY**

The federal court of appeals recently made a ruling that dairy operations such as yours no longer need to be regulated under a National Pollutant Discharge Elimination System (NPDES) permit, which regulates discharges to surface waters. Your dairy is currently regulated under NPDES Order No. R9-2004-0065. Even though the dairy does not require an NPDES permit, wastes generated at your dairy still pose a threat to ground water quality. Thus, your NPDES permit Order No. R9-2004-0065 is being rescinded and the dairy will be regulated under General Order No. R9-2008-0130, *Waste Discharge Requirements for Existing Dairy Animal Feeding Operations in the San Diego Region* (copy enclosed).

Enclosed is a copy of Tentative Order No. R9-2009-0165 which if adopted by the Regional Board would rescind NPDES permit requirements for your dairy operation as contained in Order No. R9-2004-0065, NPDES No. CA0109207 consistent with the recent court ruling. Regional Board staff plans to present Tentative Order No. R9-2009-0165 to the Regional Board for their consideration and adoption at their regularly scheduled meeting on November 18, 2009. This proposed action is based on our understanding that there is no discharge of pollutants to surface waters from your dairy operation.

## BACKGROUND

In 2003, the United States Environmental Protection Agency (USEPA) published revisions to its Clean Water Act regulations governing waste discharges to surface waters from concentrated animal feeding operations (CAFOs). Pursuant to these regulations your dairy operation was classified as a concentrated animal feeding operation (CAFO) and you were required to apply for and comply with a National Pollutant Discharge Elimination System (NPDES) permit. The US Court of Appeals,

*California Environmental Protection Agency*